

## JOURNAL OF THE HOUSE.

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Tuesday, July 18, 2006.

Met according to adjournment, at eleven o'clock A.M., with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Holy Spirit God, we take this moment to focus our attention on You, spiritual realities and on the items on today's legislative calendar. We pray for Your gift of wisdom which enables us to comprehend more clearly all issues and to make reasoned and thoughtful decisions and choices. Your assistance also helps us to set priorities which are current, objective and relevant in today's changing world. Teach us to be fully aware of and familiar with the human and spiritual concerns of the electorate from the youngest infant to the most senior adult. May our hope and trust in You remain constant.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of  
allegiance.

### *Statement Concerning Representative Kafka of Stoughton.*

A statement of Mr. Galvin of Canton concerning Mr. Kafka of Stoughton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kafka of Stoughton, will not be present in the House Chamber for today's sitting due to the recent death of his father, Milton Kafka. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement  
concerning  
Representative  
Kafka of  
Stoughton.

### *Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Fagan of Taunton) congratulating Anthony Michael Howard on receiving the Eagle Award of the Boy Scouts of America; and

Anthony  
Michael  
Howard.

Resolutions (filed by Mr. Kujawski of Webster) honoring Nellie Twardzik Thompson on her many accomplishments;

Nellie  
Twardzik  
Thompson.

Mrs. Harkins of Needham, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. O'Flaherty of Chelsea, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Petitions.*

Petitions severally were presented and referred as follows:

Weston,  
town  
manager.

By Ms. Peisch of Wellesley, petition (accompanied by bill, House, No. 4861) of Alice Hanlon Peisch (by vote of the town) relative to the duties and functions of the office of town manager of the town of Weston;

Westborough,  
easement.

By Ms. Polito of Shrewsbury, petition (accompanied by bill, House, No. 4862) of Karyn E. Polito and others (by vote of the town) that the town of Westborough be authorized to release a certain easement for the construction of a water treatment plant;

North  
Andover,  
board of  
health.

By Mr. Torrisi of North Andover, petition (accompanied by bill, House, No. 4863) of David M. Torrisi and others (by vote of the town) for legislation to increase the membership of the board of health of the town of North Andover; and

North  
Andover,  
health  
insurance.

By the same member, petition (accompanied by bill, House, No. 4864) of David M. Torrisi and others (by vote of the town) that the town of North Andover be authorized to prohibit health insurance benefits for elected officials of said town;

Severally to the committee on Municipalities and Regional Government.

Worcester,  
Christina  
M. Orzyck.

By Mr. Pedone of Worcester, petition (accompanied by bill, House, No. 4865) of Edward M. Augustus, Jr., and others (with the approval of the mayor and city council) relative to the certification of Christina M. Orzyck as a police officer in the city of Worcester. To the committee on Public Service.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Special  
education,  
funding.

By Mr. Casey of Winchester, petition (subject to Joint Rule 12) of Paul C. Casey for legislation to increase certain funding for special education.

Cellular  
telephones,  
contracts.

By Mr. Lantigua of Lawrence, petition (subject to Joint Rule 12) of Barry R. Finegold and others for legislation to regulate the terms of contracts for certain cellular telephone services.

Otis Magoun,  
Jr.,  
teacher  
credits.

By Mr. Nyman of Hanover, petition (subject to Joint Rule 12) of Robert J. Nyman that the Teachers' Retirement Board be directed to grant creditable service for retirement purposes to Otis Magoun, Jr., for certain non-public school employment.

Dennis  
Water  
District,  
land.

By Mr. Turner of Dennis, petition (subject to Joint Rules 12 and 9) of Cleon H. Turner, Robert A. O'Leary and another relative to authorizing the Dennis Water District and MHC Old Chatham L.L.C. to exchange certain parcels of land.

Severally, under Rule 24, to the committee on Rules.

*Papers from the Senate.*

Bedford,  
conservation  
restriction.

The House Bill relative to the release of a conservation restriction in the town of Bedford (House, No. 4317) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2524.

Under suspension of Rule 35, on motion of Mr. Murphy of Burlington, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

The Senate Bill authorizing the town of Palmer to grant 4 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2551) (substituted by the Senate, for a report of the committee on Consumer Protection and Professional Licensure, ought not to pass, under Joint Rule 10, on a petition) [Local Approval Received], was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Palmer,  
liquor  
licenses.

Subsequently Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting, for a second reading.

*Bills*

Relative to the identification of burial grounds and cemeteries on certain state-owned lands (Senate, No. 34, changed in section 1, in line 20, striking out the year "2003", and inserting in place thereof the year "2007") (on a petition);

Burial  
grounds,  
identify.

Establishing the Quaboag and Ware River Valley Heritage District Commission (Senate, No. 484) (on a petition);

Quaboag and  
Ware Rivers.

Providing for a partial release of certain land in Easthampton from the operation of an agricultural preservation restriction (Senate, No. 2492, changed in section 1, in line 27, inserting after the date "9/27/200", the number "0" and in section 2, in line 30, inserting after the word "complaint," the following, "including without limitations, that current APR owner shall release any and all claims arising out of or related to the facts alleged by or against current APR owner in case number HSCV2002-00177,") (on a petition); and

Easthampton,  
land.

Authorizing the Division of Capital Asset Management and Maintenance to lease certain property in Weymouth to the South Shore Association of Retarded Citizens (Senate, No. 2649) (on Senate bill, No. 2194);

Weymouth,  
land  
lease.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

*Bills*

Reducing the supplemental reserve fund requirement for the city of Pittsfield (Senate, No. 2149) (on a petition) [Local Approval Received]; and

Pittsfield,  
supplemental  
fund.

Authorizing an easement or lease of land by the conservation commission of the town of Falmouth (Senate, No. 2319, amended, by adding the following 2 sections:—

Falmouth,  
land.

"SECTION 2. No instrument conveying, by or on behalf of the town of Falmouth, title to the property interest described in section 1, shall be valid unless the instrument provides that the property interest shall be used solely for the purposes described in section 1. The instrument shall include an extinguishment clause that provides

that the lease or easement contemplated in section 1 shall terminate if the property interest ceases to be used for the express purposes for which it was conveyed. The instrument shall also require that the grantees shall be responsible for restoring the property to its current baseline condition at the termination of the lease or easement, including the removal of any equipment or infrastructure in-stalled pursuant to the lease or easement.

SECTION 3. In consideration of this conveyance, the town of Falmouth shall receive monetary compensation equal to fair market value as determined by independent appraisal. Any monetary compensation received by the town of Falmouth shall be deposited in the town's open space fund or other appropriate account for the purpose of the acquisition of property or interests in property dedicated to conservation or recreation purposes.”) (on a petition) [Local Approval Received];

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

*Reports of Committees.*

Battle Road ,  
soenic  
byway.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Jay R. Kaufman and others for legislation to designate certain roadways in the towns of Arlington, Lexington, Lincoln and Concord as a scenic byway to be known as “The Battle Road: The Road to Revolutions”. Under suspension of the rules, on motion of Mr.Carron of Southbridge, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Tourism, Arts and Cultural Development. Sent to the Senate for concurrence.

Toxic use  
reduction.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill amending the toxics use reduction act (Senate, No. 2250) ought to pass with an amendment by striking out section 43 (as printed). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House, with an amendment, recommended by the committee on Ways and Means, pending.

Under suspension of Rule 7A, on motion of Ms. Blumer of Framingham, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means was adopted; and the bill (Senate, No. 2250, amended) was ordered to a third reading.

South  
Grafton  
Water  
District.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill revising the South Grafton Water District boundaries (House, No. 5066) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Peterson of Grafton, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Wayland to transfer care and control of certain park land (House, No. 5079) be scheduled for consideration by the House.

Wayland,  
park  
land.

Under suspension of Rule 7A, on motion of Mr. Peterson of Grafton, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the following bills ought to pass:

Senate bills

Authorizing the disposition of easements or other interests in land in the town of Uxbridge under the care and control of the Department of Conservation and Recreation (Senate, No. 53, amended); and

Uxbridge,  
Stanley  
Woolen  
Mills.

Relative to the payment of referral fees to unlicensed employees of insurance producers (Senate, No. 2060); and

Insurance  
fees.

House bills

Relative to capping payment of pensioners for services after retirement (House, No. 263);

Pensioners,  
service.

To create an exemption for low-income seniors from Proposition 2½ overrides (House, No. 2341);

Low-income  
seniors.

Relative to equitable coverage for annuity policies (House, No. 2970);

Annuity  
policies.

To convey certain Commonwealth property consisting of the waters of Farm Pond, its tributaries, and water distribution system to the town of Sherborn (House, No. 3426);

Sherborn,  
Farm  
Pond.

Relative to mandatory boating safety education (House, No. 4543);

Boating  
safety.

Establishing the Massachusetts military enhanced relief individual tax (MERIT) plan (House, No. 4660); and

Military  
relief tax.

Authorizing reimbursement to the town of Easton for veterans' benefits expended in past years (House, No. 4917);

Easton,  
veterans  
benefits.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to survivors of the State Police (House, No. 4941) ought to pass with an amendment in section 1 by striking out the sentence contained therein and inserting in place thereof the following sentence: “The preceding sentence shall also apply to the surviving spouses of Roy F. Sibley and John Regan, who died in active service whose surviving spouses are currently receiving retirement benefits.”.

State Police,  
survivors.

By the same member, for the same committee that the Bill establishing the bicyclist's bill of rights and responsibilities (House, No. 1411) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 5194).

Bicyclist s  
bill of  
rights.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendments pending.

Leominster, restrictions.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill authorizing the commonwealth to acquire conservation restrictions in and to lands of the city of Leominster (Senate, No. 31, amended) ought to pass.

Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

Social workers.

House bills  
Making social workers subject to the malpractice tribunal (House, No. 730);

Veterans, Hepatitis C

To provide educational materials to veterans regarding Hepatitis C (House, No. 2665);

Health plan documents.

To access to the electronic delivery of health plan documents (House, No. 3076); and

Action, fund transfer.

Relative to the NESWC enterprise fund balance in the town of Acton (House, No. 4944, changed) [Local Approval Received];

Severally placed in the Orders of the Day for the next sitting for a second reading.

*Emergency Measure.*

State trademark bill.

The engrossed Bill establishing state trademarks (see House, No. 3500), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 8 to 0. Sent to the Senate for concurrence.

*Engrossed Bill.*

Bill enacted.

The engrossed Bill relative to judges and registers of probate (see House, No. 4251, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Recess.*

Recess.

At five minutes after eleven o'clock A.M., on motion of Mr. Donato of Medford (Mr. Petrolati of Ludlow being in the Chair), the House recessed until one o'clock P.M.; and at twenty-five minutes after one o'clock P.M. the House was called to order with Mr. Donato in the Chair.

*Quorum.*

Mr. Jones of North Reading thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato of Medford), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 148 members were recorded as being in attendance.

Quorum, yea and nay No. 518.

**[See Yea and Nay No. 518 in Supplement.]**

Therefore a quorum was present.

*Reports of Committees.*

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 5101), returning with his disapproval of certain items and sections and reductions in certain items contained in the engrossed Bill relative to economic investments in the Commonwealth to promote job creation, economic stability, and competitiveness in the Massachusetts economy (see House, No. 5057), reported, in part, in each instance, that certain items (contained in sections 2 and 2A) and sections stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Economic Stimulus Bill, reductions and disapprovals.

Mr. Donato of Medford, for said committee, reported, in each instance, that the matters be scheduled for consideration by the House.

Under suspension of the rules, in each instance, on motion of Mr. Bosley of North Adams, the following items and sections were considered; and the sense of the House, in each instance, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, as follows:

Section 3, which had been vetoed by the Governor, then was considered.

After remarks on the question on passing said section, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 133 members voted in the affirmative and 21 in the negative.

Section 3 Proclamations stands, yea and nay No. 519.

**[See Yea and Nay No. 519 in Supplement.]**

Therefore section 3 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7004-0090 (contained in section 2A), which had been vetoed by the Governor, then was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 133 members voted in the affirmative and 21 in the negative.

Quincy Center item 7004-0090 stands, yea and nay No. 520.

**[See Yea and Nay No. 520 in Supplement.]**

[Mr. Travis of Rehoboth answered "Present" in response to his name.]

Therefore item 7004-0090 (contained in section 2A) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7007-9031 (contained in section 2A), which had been vetoed by the Governor, then was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call (Mr. Petrolati of Ludlow being in the Chair) 134 members voted in the affirmative and 21 in the negative.

**[See Yea and Nay No. 521 in Supplement.]**

Therefore item 7007-9031 (contained in section 2A) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7007-9033 (contained in section 2A), which had been vetoed by the Governor, then was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 134 members voted in the affirmative and 21 in the negative.

**[See Yea and Nay No. 522 in Supplement.]**

Therefore item 7007-9033 (contained in section 2A) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7003-0702 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor reduced said item from \$500,000 to \$300,000.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 136 members voted in the affirmative and 19 in the negative.

**[See Yea and Nay No. 523 in Supplement.]**

Therefore item 7003-0702 (contained in section 2) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7004-2051 (contained in section 2A), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording relative to the Stoughton train station and reduced said item from \$26,000,000 to \$25,000,000.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 133 members voted in the affirmative and 21 in the negative.

**[See Yea and Nay No. 524 in Supplement.]**

Therefore item 7004-2051 (contained in section 2A) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 7007-9036 (contained in section 2A), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording relative to the Milton business district and reduced said item from \$3,100,000 to \$2,100,000.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 134 members voted in the affirmative and 21 in the negative.

**[See Yea and Nay No. 525 in Supplement.]**

Therefore 7007-9036 (contained in section 2A) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 6, which had been vetoed by the Governor, then was considered.

On the question on passing said section, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 139 members voted in the affirmative and 16 in the negative.

**[See Yea and Nay No. 526 in Supplement.]**

Therefore section 6 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 7, which had been vetoed by the Governor, then was considered.

On the question on passing said section, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 139 members voted in the affirmative and 16 in the negative.

**[See Yea and Nay No. 527 in Supplement.]**

Therefore section 7 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 14, which had been vetoed by the Governor, then was considered.

After debate on the question on passing said section, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 155 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 528 in Supplement.]**

Therefore section 14 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Technology  
Development  
Corporation  
item 7007-9031  
stands,  
yea and nay  
No. 521.

Southeast  
Mass. Defense  
Manufacturers  
item 7007-9033  
stands,  
yea and nay  
No. 522.

Technology  
Development  
Corporation  
item 7003-0702  
stands,  
yea and nay  
No. 523.

Stoughton  
train station  
item 7004-2051  
stands,  
yea and nay  
No. 524.

Milton  
business  
district  
item 7007-9036  
stands,  
yea and nay  
No. 525.

Global  
Education  
Advisory  
Council II  
section 6  
stands,  
yea and nay  
No. 526.

Global  
Education  
Advisory  
Council II  
section 7  
stands,  
yea and nay  
No. 527.

Environmental  
insurance  
matching  
grants  
section 14  
stands,  
yea and nay  
No. 528.

Section 15, which had been vetoed by the Governor, then was considered.

On the question on passing said section, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 134 members voted in the affirmative and 21 in the negative.

**[See Yea and Nay No. 529 in Supplement.]**

Therefore section 15 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 35, which had been vetoed by the Governor, then was considered.

On the question on passing said section, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 155 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 530 in Supplement.]**

Therefore section 35 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 53, which had been vetoed by the Governor, then was considered.

On the question on passing said section, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 154 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 531 in Supplement.]**

[Mr. Torrisi of North Andover answered "Present" in response to his name.]

Therefore section 53 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 54, which had been vetoed by the Governor, then was considered.

On the question on passing said section, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 154 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 532 in Supplement.]**

[Mr. Torrisi of North Andover answered "Present" in response to his name.]

Therefore section 54 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 55, which had been vetoed by the Governor, then was considered.

On the question on passing said section, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 154 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 533 in Supplement.]**

[Mr. Torrisi of North Andover answered "Present" in response to his name.]

Therefore section 55 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 83, which had been vetoed by the Governor, then was considered.

On the question on passing said section, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 137 members voted in the affirmative and 17 in the negative.

**[See Yea and Nay No. 534 in Supplement.]**

Therefore section 83 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 85, which had been vetoed by the Governor, then was considered.

On the question on passing said section, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 135 members voted in the affirmative and 20 in the negative.

**[See Yea and Nay No. 535 in Supplement.]**

Therefore section 85 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 97, which had been vetoed by the Governor, then was considered.

On the question on passing said section, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 155 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 536 in Supplement.]**

Therefore section 97 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 109, which had been vetoed by the Governor, then was considered.

On the question on passing said section, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 134 members voted in the affirmative and 21 in the negative.

**[See Yea and Nay No. 537 in Supplement.]**

Therefore section 109 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 110, which had been vetoed by the Governor, then was considered.

Office of  
International  
Trade  
section 15  
stands,  
yea and nay  
No. 529.

Manufacturing  
workforce  
training  
section 35  
stands,  
yea and nay  
No. 530.

Defines  
building  
contractor  
section 53  
stands,  
yea and nay  
No. 531.

Payment of  
sales tax  
section 54  
stands,  
yea and nay  
No. 532.

Materialman  
filing  
requirement  
section 55  
stands,  
yea and nay  
No. 533.

Manufacturing  
extension  
partnership  
section 83  
stands,  
yea and nay  
No. 534.

Workforce  
development  
earmark  
section 85  
stands,  
yea and nay  
No. 535.

Workforce  
competitiveness  
trust fund  
section 97  
stands,  
yea and nay  
No. 536.

MassHealth  
drug list  
section 109  
stands,  
yea and nay  
No. 537.

S.E. Mass.  
defense  
manufacturers  
grant section  
110 stands,  
yea and nay  
No. 538.

On the question on passing said section, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 17 in the negative.

[See Yea and Nay No. 538 in Supplement.]

Therefore section 110 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 117, which had been vetoed by the Governor, then was considered.

On the question on passing said section, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 133 members voted in the affirmative and 22 in the negative.

[See Yea and Nay No. 539 in Supplement.]

Therefore section 117 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 122, which had been vetoed by the Governor, then was considered.

On the question on passing said section, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 540 in Supplement.]

[Mr. Torrisi of North Andover answered "Present" in response to his name.]

Therefore section 122 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Economic  
security  
study  
commission  
section 117  
stands,  
yea and nay  
No. 539.

Recess.

At twenty minutes after three o'clock P.M., on motion of Mr. Petrucci of Boston (Mr. Petrolati of Ludlow being in the Chair), the House recessed until half past three o'clock; and at fourteen minutes before four o'clock the House was called to order with Mr. Petrolati in the Chair.

Mr. Pedone of Worcester thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 148 members were recorded as being in attendance.

[See Yea and Nay No. 541 in Supplement.]

Therefore a quorum was present.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 5000), returning with his disapproval of certain items and a section and parts of certain items, and reductions in certain

General  
Appropriation  
Bill,  
reductions  
and  
disapprovals.

items contained in the engrossed Bill making appropriations for the fiscal year 2006 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4901), reported, in part, in each instance, that certain items (contained in section 2) stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported, in each instance, that the matters be scheduled for consideration by the House.

Under suspension of the rules, in each instance, on motion of Mr. DeLeo of Winthrop, the following items were considered; and the sense of the House, in each instance, was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution, as follows:

Item 0320-0003 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor reduced said item from \$7,538,951 to \$7,238,951.

After remarks on the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 542 in Supplement.]

Therefore item 0320-0003 (contained in section 2) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 0321-1600 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor reduced said item from \$9,470,424 to \$8,970,424.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 146 members voted in the affirmative and 9 in the negative.

[See Yea and Nay No. 543 in Supplement.]

Therefore item 0321-1600 (contained in section 2) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 0330-0300 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor reduced said item from \$131,912,460 to \$121,912,460.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 544 in Supplement.]

Supreme  
Judicial  
Court  
item 0320-0003  
stands,  
yea and nay  
No. 542.

Legal  
Assistance  
Corporation  
item 0321-1600  
stands,  
yea and nay  
No. 543.

Trial Court  
administration  
item 0330-0300  
stands,  
yea and nay  
No. 544.

Therefore item 0330-0300 (contained in section 2) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Subsequently Mr. DeLeo of Winthrop moved that this vote be reconsidered. For said motion and recurring vote on overriding the Governor's action, see roll call numbered 550.

Item 0330-0410 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$967,326 to \$818,590.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 141 members voted in the affirmative and 14 in the negative.

**[See Yea and Nay No. 545 in Supplement.]**

Therefore item 0330-0410 (contained in section 2) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 0330-3335 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor reduced said item from \$19,007,323 to \$1,790,963.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 155 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 546 in Supplement.]**

Therefore item 0330-3335 (contained in section 2) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Subsequently Mr. DeLeo of Winthrop moved that this vote be reconsidered. For said motion and recurring vote on overriding the Governor's action, see roll call numbered 551.

Mr. Donato of Medford being in the Chair,—

Item 0333-0700 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor reduced said item from \$2,607,285 to \$2,268,339.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 137 members voted in the affirmative and 18 in the negative.

**[See Yea and Nay No. 547 in Supplement.]**

Therefore item 0333-0700 (contained in section 2) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 0339-1001 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor reduced said item from \$129,049,842 to \$124,864,935.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 136 members voted in the affirmative and 19 in the negative.

**[See Yea and Nay No. 548 in Supplement.]**

Therefore item 0339-1001 (contained in section 2) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Subsequently Mr. DeLeo of Winthrop moved that this vote be reconsidered. For said motion and recurring vote on overriding the Governor's action, see roll call numbered 564.

Item 0339-1003 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor reduced said item from \$5,862,043 to \$5,520,767.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 130 members voted in the affirmative and 22 in the negative.

**[See Yea and Nay No. 549 in Supplement.]**

Therefore item 0339-1003 (contained in section 2) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Mr. DeLeo of Winthrop then moved that the vote be reconsidered by which the House, this day, passed item 0330-0300, relative to Trial Court administration, notwithstanding the reduction by the Governor (see roll call number 544); and the motion to reconsider prevailed.

On the recurring question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 148 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 550 in Supplement.]**

[Messrs. Correia of Fall River, Quinn of Dartmouth, Timilty of Milton, Tobin of Quincy and Verga of Gloucester answered "Present" in response to their names.]

Therefore item 0330-0300 (contained in section 2) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Mr. DeLeo of Winthrop then moved that the vote be reconsidered by which the House, this day, passed item 0330-3335, relative to a collective bargaining reserve for the Judiciary, notwithstanding the reduction by the Governor (see roll call number 546); and the motion to reconsider prevailed.

On the recurring question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 148 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 551 in Supplement.]**

Trial Court  
alternative  
dispute  
resolution  
item 0330-0410  
stands,  
yea and nay  
No. 545.

Judiciary-  
collective  
bargaining  
reserve item  
0330-3335  
stands,  
yea and nay  
No. 546.

Hampden  
Probate  
Court  
item 0333-0700  
stands,  
yea and nay  
No. 547.

Trial Court  
administration  
item 0339-1001  
stands,  
yea and nay  
No. 548.

Community  
Corrections  
administration  
item 0339-1003  
stands,  
yea and nay  
No. 549.

Trial Court  
administration  
item 0330-0300  
stands,  
yea and nay  
No. 550.

Judiciary,  
collective  
bargaining  
reserve item  
0330-3335  
stands,  
yea and nay  
No. 551.



[Messrs. Correia of Fall River, Quinn of Dartmouth, Timilty of Milton, Tobin of Quincy and Verga of Gloucester answered "Present" in response to their names.]

Therefore item 0330-0300 (contained in section 2) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 0339-1004 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor reduced said item from \$16,199,621 to \$14,199,621.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 131 members voted in the affirmative and 21 in the negative.

**[See Yea and Nay No. 552 in Supplement.]**

Therefore item 0339-1004 (contained in section 2) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 0540-2500 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor reduced said item from \$4,832,633 to \$4,332,633.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 138 members voted in the affirmative and 15 in the negative.

**[See Yea and Nay No. 553 in Supplement.]**

Therefore item 0540-2500 (contained in section 2) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 0840-0100 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor reduced said item from \$596,776 to \$462,822.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 153 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 554 in Supplement.]**

Therefore item 0840-0100 (contained in section 2) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 1231-1000 (contained in section 2), which had been vetoed by the Governor, then was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 144 members voted in the affirmative and 9 in the negative.

**[See Yea and Nay No. 555 in Supplement.]**

Therefore item 1231-1000 (contained in section 2) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 1599-0042 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$12,500,000 to \$6,250,000.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 152 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 556 in Supplement.]**

Therefore item 1599-0042 (contained in section 2) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 1599-6901 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$28,000,000 to \$14,000,000.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 153 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 557 in Supplement.]**

Therefore item 1599-6901 (contained in section 2) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 3000-1000 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$10,952,486 to \$10,753,980.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 146 members voted in the affirmative and 7 in the negative.

**[See Yea and Nay No. 558 in Supplement.]**

Therefore item 3000-1000 (contained in section 2) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 3000-2000 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor reduced said item from \$11,564,079 to \$11,062,688.

Community  
Corrections  
program item  
0339-1004  
stands,  
yea and nay  
No. 552.

Registry of  
Deeds  
relocation  
costs item  
0540-2500  
stands,  
yea and nay  
No. 553.

Community  
Corrections  
program  
item 0840-0100  
stands,  
yea and nay  
No. 554.

Sewer Rate  
Relief Fund  
item 1231-1000  
stands,  
yea and nay  
No. 555.

Child care  
salary reserve  
item 1599-  
0042 stands,  
yea and nay  
No. 556.

Providers  
of services  
salary reserve  
item 1599-6901  
stands,  
yea and nay  
No. 557.

Early  
Education and  
Care item  
3000-1000  
stands,  
yea and nay  
No. 558.

Early  
Education  
and Care-  
Regional  
item 3000-2000  
stands,  
yea and nay  
No. 559.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 152 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 559 in Supplement.]**

Therefore item 3000-2000 (contained in section 2) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 3000-5000 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor reduced said item from \$8,500,000 to \$7,500,000.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 153 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 560 in Supplement.]**

Therefore item 3000-5000 (contained in section 2) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 3000-6050 (contained in section 2), which had been vetoed by the Governor, then was considered.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 153 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 561 in Supplement.]**

Therefore item 3000-6050 (contained in section 2) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 3000-7050 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$8,395,694 to \$7,645,694.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 145 members voted in the affirmative and 8 in the negative.

**[See Yea and Nay No. 562 in Supplement.]**

Therefore item 3000-7050 (contained in section 2) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 4000-0112 (contained in section 2), which had been reduced by the Governor, then was considered.

The Governor had stricken certain wording and reduced said item from \$5,698,100 to \$4,698,100.

Head Start  
program item  
3000-5000  
stands,  
yea and nay  
No. 560.

Professional  
development  
item 3000-6050  
stands,  
yea and nay  
No. 561.

Mass Family  
Networks  
item 3000-7050  
stands,  
yea and nay  
No. 562.

On the question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 132 members voted in the affirmative and 21 in the negative.

**[See Yea and Nay No. 563 in Supplement.]**

Therefore item 4000-0112 (contained in section 2) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Mr. DeLeo of Winthrop then moved that the vote be reconsidered by which the House, this day, passed item 0339-1001, relative to the Office of the Commissioner of Probation, notwithstanding the reduction by the Governor (see roll call number 548); and the motion to reconsider prevailed.

On the recurring question on passing said item, notwithstanding the action of the Governor, the sense of the House was determined by yeas and nays, as required by the Constitution; and on the roll call 131 members voted in the affirmative and 19 in the negative.

**[See Yea and Nay No. 564 in Supplement.]**

[Messrs. Costello of Newburyport and Quinn of Dartmouth answered "Present" in response to their names.]

Therefore item 0339-1001 (contained in section 2) passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

*Orders of the Day.*

The engrossed Bill relative to mercury management (see House, No. 5112) (which had been returned to the House by His Excellency the Governor with recommendation of amendments) (for message, see House, No. 5185), was considered.

The committee on Bills in the Third Reading reported recommending that the amendments recommended by His Excellency the Governor be considered in the form contained in House document numbered 5185 (as perfected by said committee); and the report was accepted. The amendments recommended by the Governor then were rejected.

Mr. Smizik of Brookline then moved that the bill be amended in Section 4 (as engrossed) by striking out the definition of "Mercury-added product" and inserting in place thereof the following definition:

"'Mercury-added product', a product to which the manufacturer intentionally introduces mercury, including, but not limited to, electric lamps, thermostats, automotive devices, electric switches, medical or scientific instruments, electric relays or other electrical devices, but not including products made with coal ash or other products that are incorporated into equipment used to manufacture semiconductor devices, elemental mercury in pre-capsulated form that is sold, distributed or provided to a dental practitioner for use in compliance with the department's regulations concerning amalgam wastewater and recycling for dental facilities, or mercury-added for-

Matching  
grant to  
municipalities  
item 4000-0112  
stands,  
yea and nay  
No. 563.

Commissioner  
of Probation  
item 0339-1001  
stands,  
yea and nay  
No. 564.

Mercury  
management.

mulated products"; in section 7 (as engrossed), by striking out in subsection 6J, paragraphs (2) and (3) of subdivision (d) and inserting in place thereof the following paragraph:

"(2) Every manufacturer, either individually or as a group, shall annually certify in writing that they are implementing the plan in accordance with this section and provide to the department the total number of mercury-added lamps sold in the commonwealth in that calendar year. The statewide mercury-added lamp recycling rates shall be 30 per cent by December 31, 2008, 40 per cent by December 31, 2009, 50 per cent by December 31, 2010, 70 per cent by December 31, 2011, and 70 per cent each year thereafter. The department shall adopt regulations to implement these rates. For the purposes of this section, the statewide mercury-added lamp recycling rate shall be based upon the total number of mercury added-lamps in the commonwealth available for recycling, as determined by the department. Every manufacturer, either individually or as a group, shall annually submit a report that identifies progress towards these recycling rates. The department shall conduct audits, at least annually, to determine if manufacturers are complying with this section."; by striking out subdivision (e) and inserting in place thereof the following subdivision:

"(e) Failure to achieve any of the recycling rates established by or pursuant to paragraph (2) of subsection (d) shall obligate the manufacturers of mercury-added lamps as a group to make available not more than \$1,000,000, per year of non-compliance, to the department for grants to municipalities or regional authorities to facilitate meeting recycling rates. The department shall establish, by December 31, 2007, a process for determining the mercury-added lamp recycling rate and the aggregate and individual funding commitments based on information that includes, but is not limited to, the actual recycling rate compared with the target recycling rate, each manufacturer's lamp market share in the commonwealth and specific manufacturer program effectiveness. The department shall deposit the funds received from manufacturers into an expendable trust, in accordance with section 6 of chapter 6A and any applicable regulations, for the purpose of grants to municipalities and regional authorities and shall administer the grant program to municipalities and regional authorities. Manufacturers' individual contributions shall not exceed their respective market shares of lamps sold in the commonwealth."; and by striking out subdivision (i) and inserting in place thereof the following subdivision:

"(i) This section shall not apply to refurbished medical equipment or products where the only mercury contained in the product comes from a removable mercury-added button cell battery or a mercury-added lamp.".

The amendments were adopted. Sent to the Senate for its action.

House bills

Relative to retirement benefits for Stuart Freedman (House, No. 4518);

Exempting Sean W. Richards from the maximum age requirement for appointment as police officer in the city of Methuen (House,

Third  
reading  
bills.

No. 4768) (its title having been changed by the committee on Bills in the Third Reading); and

Authorizing the town of Southbridge to grant additional liquor licenses (House, No. 5004);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The House Bill relative to the use of the name of financial institutions (House, No. 3007) was read a third time.

Third  
reading bill  
amended.

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a bill with the same title (House, No. 5195), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill authorizing the town of Medfield to lease a certain parcel of land for the construction of a sports and recreation center (House, No. 4254) was read a third time.

ii

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a bill with the same title (House, No. 5196), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to illegal dumping in the city of Chelsea (House, No. 3184) was read a third time.

ii

The committee on Bills in the Third Reading reported recommending that the bill be amended by substitution of a bill with the same title (House, No. 5197), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

The Senate Bill relative to lending limits (Senate, No. 2540); and House bills

Second  
reading  
bills.

Establishing a sick leave bank for Sharon Melvin-James, an employee of the Trial Court of the Commonwealth (House, No. 704);

Establishing a sick leave bank for a certain employee of the Trial Court (House, No. 4140); and

Establishing a sick leave bank for Frances M. Ravish, an employee of the Trial Court of the Commonwealth (House, No. 5071);

Severally were read a second time; and they were ordered to a third reading.

The House Bill relative to the governance of state chartered banks (House, No. 3075) was read a third time.

State  
chartered  
banks.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

Mr. Golden of Lowell then moved that the bill be amended by substitution of a Bill relative to state chartered banks (House, No. 5198), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

Abandoned  
buildings,  
inspect.

The Senate Bill requiring the inspecting and securing of unsafe or abandoned buildings (Senate, No. 1370) was considered.

Pending the question on ordering the bill to a third reading, Mrs. Parente of Milford moved that it be amended by inserting after section 4 the following section:

“SECTION 4A. Said section 6 of said chapter 143, as so appearing, is hereby further amended by adding the following sentence:— Failure to submit such plan within 60 days of a request therefore shall result in a fine of \$100 a day for each day such plan is not submitted.”.

The amendment was adopted; and the bill (Senate, No. 1370, amended) was ordered to a third reading.

Next  
sitting.

On motion of Mr. DiMasi of Boston,--

*Ordered*, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

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Mr. Miceli of Wilmington then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at two minutes before six o'clock P.M. (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.